



# **Ex Parte Rules for General Orders (SB 965, Wright)**

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# Background

- Early memos
- 1996 ex parte Q&A
  - Quasi-legislative – allowed
  - Quasi-judicial – prohibited
  - Most common issues
  - Flexibility for updating
- SB 965 (2012, Wright)
  - General orders as a hybrid function

# Basics

- New Water Code section 13287
- Ex parte communications are allowed for “general orders”
  - Definition
  - Includes petitions of general orders
  - Excludes regional MS4 permits with all permittees named
- Option for 14-day hold prior to adoption hearing

# Scope of Exception

- Written or oral communications
- No change to other applicable law (serial meetings, due process/bias)
- Hearing procedures specify how evidence is to be received and process for other formal submittals

# Disclosure Requirements

- Required disclosure
  - Potential enrollees (including representatives or employees)
  - Persons with a financial interest (including representatives or employees)
  - Representatives acting on behalf of an organization
- Other members of the public

# Disclosure Requirements

- Who is responsible?
- What must be disclosed?
  - Forms
- What if the disclosure is inadequate?
- Who gets a copy?

# Available Information

- State Water Board's Web Page

[http://www.waterboards.ca.gov/laws\\_regulations/#exparte](http://www.waterboards.ca.gov/laws_regulations/#exparte)

- Updated Q&A memo
- Model disclosure form for State Water Board general orders
- Regional Water Board disclosures on each board's "Publications/Forms" page